Hamburg, January 22, 1980
br/roe

M i n u t e s

concerning meeting of EEC-Task-Force in Amsterdam
January 15, 1980

Present: Messrs. von Specht
Corner
Doms
Doyle
Dr. Hetzel
King
Knowles
Dr. König
Schlunk
Vogel
Dr. Brückner

Point 1) of the Agenda: Anti smoking activities of the Services of the Commission

Mr. von Specht welcomed the participants. He pointed out that the informal meeting of the Health Ministers planned for 14th December had not taken place, because Mr. Haughey had to assume his new functions as Prime Minister of Ireland. Nevertheless Mr. von Specht considered the Task-Force meeting well timed as the anti smoking activities of the Services of the Commission had increased in the last months and should be observed very closely. He referred to the papers which had been received by Task-Force members. Upon his invitation Mr. Schlunk summarized and analyzed these papers. His report is attached as annex No. 1.

2501019558

Point 2) of the Agenda: Opinion of the Advisory Committee on Leaf Tobacco on the relationship between smoking and health

Dr. König reported on the state of affairs. He explained that if this a.m. opinion had been an industry paper, certain

Source: https://www.industrydocuments.ucsf.edu/docs/llgk0000

passages would have been drafted differently. On the other hand its particular value consisted in the fact that it had a very broad backing. It reflected not only industry's opinion, but the totality of the growers - a very important political element particularly in Italy and France. It reflected moreover the opinion of the unions which has to be considered very influential and last not least the opinion of the state monopolies in Italy and France and had therefore a semi official backing by at least parts of the governments of these states.

Dr. König stressed that now it had become necessary to make the best possible use of this document. It has been distributed widely within the Services of the Commission and to officials in the different EC-member states. It is planned to get "euroforum" to publish this opinion in the same manner as it published the known CCC-opinion.

Dr. König went on that Mr. de Grave as representative of the consumers had been always invited to the sessions of the Advisory Committee on Leaf Tobacco but never showed up. This demonstrates clearly to the Services of the Commission that the position of Mr. de Grave and his organisation was ideologically fixed and that they were not interested in gathering facts which might force them to reconsider their opinion. Under this aspect it seemed interesting to observe that the Commission considers the CCC not to reflect the opinion of the European consumer but only the opinion of the four European consumers' associations.

Mr. von Specht thanked Dr. König for the report and his activity within the Advisory Committee. He, too, considered the opinion of this body to be of high political value, for the additional reason that it showed that a united tobacco family was a political force not to be underestimated.

Point 3) of the Agenda: Further actions to be taken by Task-Force

1) Mr. von Specht pointed out as target groups for possible action:

2501019559

Source: https://www.industrydocuments.ucsf.edu/docs/llgk0000

a) EC-Commission and its Services

In the discussion what should and could be done in view of the Commission's activities it was generally agreed upon that it seemed at the moment not advisable to accelerate our actions. This could lead to a counter reaction on the side of the Services of the Commission. On the other hand Dr. König had pointed out that the Advisory Committee on Leaf Tobacco might be motivated to ask its Commissioner (Mr. Gundelach) to arrange a meeting with selected representatives of this Committee and officials of all Services connected with tobacco questions. This meeting might be an opportunity to present our case to an important and receptive audience. Such a move seemed promising because it gave a chance to force the Services of the Commission to take into account the opinion of the Advisory Committee on Leaf Tobacco to the same extent as they have made use of the CCC-opinion.

Mr. Vogel asked to discuss the following suggestion. The impact of the Commission's anti tobacco activities might be mitigated, if the Commission had an own active interest in the wellbeing of tobacco industry. This interest could be furthered if a plan were realized which had been discussed in the last month, that is to allocate the EC-institutions a part of the specific portion of the tobacco tax.

Everybody agreed that this was a new and interesting proposition which should be checked out carefully.

2501019560

b) European Parliament

Mr. von Specht referred to the circulated lists of EP-members of the different committees. The Committee for Environment, Public Health, and Consumer Protection is of particular importance. Dr. Brückner shortly analyzed the composition of this committee as follows:

Source: https://www.industrydocuments.ucsf.edu/docs/llgk0000

It is evident that the seats in the Committee have not been attributed according to the political power of certain groupings but primarily on grounds of personal interests and inclinations. Among the 27 members there are 10 women which always have been particularly engaged in questions of health protection. Professionally speaking the committee consits practically of journalists, party and union functionaries and teachers.

Dr. Brückner then pointed out the position of the deputy president, Mr. Stanly Johnson, who has close connections to the Services of the Commission as former director for environment protection. Johnson is in discussion as EC-Commissioner when the positions will be newly appointed next year. The close cooperation between the Commission and particularly this parliamentary committee is demonstrated by the fact that although the total Community budget has been frozen, the Service for Environment and Consumer Protection of the Commission has been allocated 30 new posts in the budget.

Dr. Brückner then commented on the curricula vitae of certain members of this committee which could be of particular interest, either because they might be approached or because of their known anti tobacco activities.

Mr. von Specht stressed the fact that it was highly advisable to have closer connections with at least one member of the European Parliament and particularly of this committee. Members of Task-Force agreed that it should be possible for every big company to establish such contacts till May 1, 1980.

2501019561

Source: https://www.industrydocuments.ucsf.edu/docs/llgk0000

c) National Governments

It was then discussed whether and how national governments could be influenced either by members of Task-Force directly or through their respective associations. In view of the forthcoming meeting of the Health Ministers in Rome it seemed highly advisable to alert the competent Services with the national governments of the danger that at this meeting the Health Ministers might create de facto competences for EC-institutions in the field of public health. Such an action would take away competence from the individual member states, a development which has already been protested against by Denmark and by Great Britain.

d) Allies

It was discussed how allies could be informed and motivated. Mention was made again of the opinion of the Advisory Committee on Leaf Tobacco. It was reported that the paper had already been sent to EAAA for possible use by this organisation. Messrs. Knowles and Doms referred in this connection to the public hearing on the 2nd EEC consumer program scheduled for 26th and 27th February in Dublin. Only European Associations will take part in this meeting. For that reason our interests can only be defended by IUAA, EAAA, UNICE. The questions to be answered are enclosed as annex 2.

2501019562

Point 3) of the Agenda: Harmonisation of Methods to determine constituents in tobacco smoke

Mr. von Specht pointed out that Dr. Recht has commissioned research in certain laboratories of different EC member states trying to evaluate advantages and disadvantages of different methods to determine smoke constituents. This activity aims at a uniform method, to be applied in all member states. Such a method is required for many measures of the smoking and health program of the Commission,

Source: https://www.industrydocuments.ucsf.edu/docs/llgk0000

f.i. for a health tax, a differentiated tax according to condensate and nicotine contents, possible upper condensate and nicotine limits for cigarettes, and so on.

Dr. König referred to the International Standardisation Organisation and its efforts to harmonize international methods for determining smoke constituents. So far the situation is characterized by the fact that the majority in the western World works with the Cambridge filter method (f.i. United States, Great Britain, Switzerland). This method has already been preliminarily adopted by ISO on recommendation of the so-called TC 126. In Germany on the contrary the use of the electrostatic method is commonly accepted. The same holds true for some countries in the eastern block and in the Third World. In the past the scientists have fought over the merits and disadvantages of both methods.

Dr. König reported that the German industry had tried in vain to establish the electrostatic method as an alternative method on ISO-level. There has been opposition from Switzerland, Great Britain and other influential countries. Speaking as a non-scientist to non-scientists Dr. König pointed out that a postponement of a uniform method seemed from a political point advantageous for us, because with the admission of both methods on ISO-level any harmonisation efforts on EC-level could be postponed for a substantial span of time. On the other hand, if on ISO-level there were a harmonized universally accepted method the EC authorities could resort to this method and implement their legislation quite easily.

Under this aspect all members of Task-Force were of the opinion that the wish for two separate methods on ISO-level should be supported.

Mr. von Specht was asked to make use of this statement in the appropriate way, particularly by informing the

2501019563

Source: https://www.industrydocuments.ucsf.edu/docs/llgk0000

Executive Committee, explaining the motives behind this decision and asking for support.

Dr. König then referred to the situation concerning CO. All over the World CO were measured in milligrams, only in Germany in milliliters. The justification was that CO as a gas should - like all gases - be measured in this unit. Politically speaking, however, it seemed advantageous to stay with milliliters, because CO expressed in milligrams could be added and compared with condensate and nicotine delivery. Moreover the delivery in milligrams is about 25 % higher than expressed in milliliters. For that reason this topic should, too, be included in the recommendation given to the Executive Committee in order to ensure that on broad international basis the question whether to express CO in milligram or milliliter should be reconsidered.

Point 4) of the Agenda: Report of situation in the U.K.

1) Health Tax

Mr. Knowles reported that so far in this matter there was little political support by the Conservative Government for this derogation. On the contrary it looked more like an embarassement to the government which tried to demonstrate cooperativeness on European level. For that reason at the moment all signs indicated that the derogation would run out towards the end of 1980 and that nobody would apply for a new derogation.

2) METRA-Study

Mr. King reported that since the last meeting of Task-Force Her Majesty's Government had given to the METRA-Study a so-called technical clearance. Later it turned out that this technical clearance was only meant to express the government's opinion that in the METRA-Report there were no technical errors. Later the British government clarified this statement by pointing out that

2501019564

Source: https://www.industrydocuments.ucsf.edu/docs/llgk0000

politically they were not convinced by the METRA-Report and for this reason would pursue their course of trying restrict advertising. For that reason it had seemed advisable to ask METRA to hold a press conference and make their findings public.

3) Discussion on New Advertising Code in Great Britain

Mr. Knowles reported that the present agreement which runs out in March should be followed by a similar agreement. Government had opened discussions with a whole shopping list which included reduction of advertising spending toughening of the health warning, program of reducing condensate, allocating substantial sums to government research programs, avoid "other good schemes", and so on. Mr. Knowles reported that industry were cautiously optimistic to be able to reach an agreement with which it could live.

Point 5) of the Agenda: EAAA-Meeting on January 29, 1980 in Frankfurt

It was reported that EAAA had a meeting on questions of tobacco advertising on 29th January in Frankfurt. The meeting will be attended by Mr. Hartogh from Philip Morris and Dr. Brückner for the Verband. Both will try to express the view of the cigarette industry in these questions and if necessary report back on any actions planned by EAAA.

Point 6) of the Agenda: Competence of the EC-Authorities under Art. 100 of the EC-Treaty

In view of the forthcoming Health Ministers' meeting it seemed of particular importance to throw doubt in the minds of the responsible people that the overall competence in health matters as postulated by the EC-authorities was at least doubtful under legal aspects. This is the main contents of different legal studies

2501019565

Source: https://www.industrydocuments.ucsf.edu/docs/llgk0000

which are to be published within the next months. Moreover this legal point of view has been defended by Denmark and in Great Britain by the House of Lords in its subcommittee on the European Communities (Approximation of Laws under Artical 100 of the EEC Treaty).
All members of Task-Force were asked to try to implement this doubt within the competent authorities.

Time and place of next meeting

The next meeting is to be held on Wednesday July 2, 1980 in Brussels. The evening before shall as usually be consecrated to a social get-together.

(Dr. Brückner)

250101956

Source: https://www.industrydocuments.ucsf.edu/docs/llgk0000